

Application No.: 10/038,640
Amendment and Response dated September 14, 2006
Reply to Office Action of June 15, 2006
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Remarks/Arguments:

Introduction

Claims 1-3, 6, 14, 15, 17, 25, 52, 53, 55, 57-63, 64-68 and 72-93 are pending. Claims 7, 56, 63 and 69 have been canceled.

Claim 1 was amended to include the limitations of canceled claims 5 and 7.

Claims 6, 76, 80, 84 and 89 have been amended to define the strand crossing angles as being obtuse. Support for these amendments may be found in the specification at page 11, first full paragraph, and Figure 4a.

No new matter has been added with these amendments.

Section 112 Rejections

Claim 7 was rejected under 35 U.S.C. §112, second paragraph. With the amendments made herein, Applicant respectfully submits that this rejection is moot. Reconsideration and withdrawal of the rejection under section 112 is respectfully requested.

Section 102 Rejections

Claims 1-3, 6, 14, 17, 25, 52, 53, 55-61, 63, 69, 73, 74 and 76-93 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,575,818 to Pinchuk (hereinafter “Pinchuk”). Applicant respectfully traverses.

Pinchuk is directed to a stent 400 having a first braided body portion 403 formed from wire elements 408 with a braiding angle of less than 90°. (Pinchuk, column 6, lines 50-57). The stent 400 includes a second braided portion or locking ring 414 at one end of the stent 400 formed from stent wires 408 with a braiding angle of 140° to 180°. The stent may include two locking rings with each being disposed at the opposed ends of the stent. (see e.g., Figure 6).

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Thus, Pinchuk discloses a stent having an acutely braided portion and an obtusely braided portion.

In contrast, independent claims 1, 6, 76 and 93 are directed to stents having different obtusely braided portions. Since Pinchuk fails to disclose a stent having all obtusely braided portions, independent claims 1, 6, 76 and 93 are patentably distinct over Pinchuk. Further, Pinchuk fails to disclose that its braiding wire may comprise different numbers of filaments as set forth in independent claim 25. Thus, claim 25 is patentably distinct over Pinchuk.

Therefore, reconsideration and withdrawal of the rejection of claims 1-3, 6, 14, 17, 25, 52, 53,55-61, 63, 69, 73, 74 and 76-93 are under 35 U.S.C. §102(b) are respectfully requested.

Section 103 Rejections

Claims 15 and 75 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pinchuk. Claims 62, 64, 65 and 68 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pinchuk in view of U.S. Patent No. 5,064,435 to Porter (hereinafter "Porter"). Claims 66 and 67 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pinchuk in view of Porter and in further view of U.S. Patent No. 6,045,568 to Igaki et al. (hereinafter "Igaki") Applicant respectfully traverses.

As discussed above, Pinchuk fails to teach or suggest a braided stent having all portions with obtuse braiding angles. Porter fails to cure the deficiencies of Pinchuk. Porter is directed to a stent having two separate braided stent members wherein a portion of one stent member is slidably disposed within a portion of the second stent member. (Porter, column 5, lines 6-16, column 6, lines 33-34). Porter fails to teach or suggest that its stent members may have all obtuse braiding angles or portions of its stent members may have different braiding angles. Porter further fails to teach or suggest that its braiding wire may comprise different numbers of filaments as set forth in independent claim 25.

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The examiner cited Igaki for its teachings of bioabsorbable stent filaments. Igaki, however, is directed to a knitted stent and its fails to teach or suggest a braided or wound stent of the present invention. Accordingly, Igaki fails to cure the deficiencies of Pinchuk and Porter relating to the braided stents taught therein.

Therefore, Applicant respectfully submits that the claims of the subject application are patentably distinct over Pinchuk, Porter and Igaki, individually or in combination.

Reconsideration and withdrawal of the section 103 rejections are respectfully submitted.

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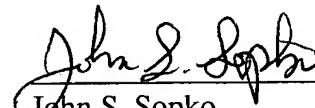
Summary

Therefore, Applicants respectfully submit that independent claims 1, 6, 25, 76 and 84, and all claims dependent therefrom, are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Respectfully submitted,


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